

**MINUTES FOR THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**March 3, 2005**

DIVISION ONE

B174355 People (Not for Publication)  
v.  
Gustavo Reyes et al.

We strike the consecutive 10-year determinate section 186.22 gang term imposed in Reyes' count 1 sentence. We remand the case to the trial court to prepare an amended abstract of judgment so stating, and forward it to the Department of Corrections. In all other respect, we affirm the judgment.

Suzukawa, J. (Assigned)

We concur: Spencer, P.J.  
Mallano, J.

B173313 Archuleta (Not for Publication)  
v.  
American Airlines

The order under review is affirmed.

Mallano, J.

I concur: Spencer, P.J.  
I concur & dissent: Vogel (Miriam A.), J. (Opinion)

## March 03, 2005 (Continued)

## DIVISION ONE (Continued)

B171765 People (Not for Publication)  
v.  
Sanders

We strike the section 12022.53 term imposed in count 1, and the section 1202.45 restitution fine. We remand the case to the trial court to prepare an amended abstract of judgment so stating, and forward it to the Department of Corrections. In all other respects, we affirm the judgment.

Suzukawa, J. (Assigned)

We concur: Spencer, P.J.  
Vogel (Miriam A.), J.

B176871      Los Angeles County, D.C.S.      (Not for Publication)  
v.  
Ericka P.

The judgment (order terminating parental rights) is affirmed.

Suzukawa, J. (Assigned)

We concur: Spencer, P.J.  
Mallano, J.

B170333      People      (Not for Publication)  
v.  
Frank B. Cockrell

The judgment is affirmed.

Vogel (Miriam A.), J.

I concur: Mallano, J.  
I concur: Spencer, P.J. (opinion)

## DIVISION TWO

B171011 People (Not for Publication)  
v.  
Martinez

Appellant's sentence on his conviction of arson is modified to provide that it is concurrent with, rather than consecutive to, his sentence for second degree murder, and the trial court is ordered on remand to modify the abstract of judgment to so reflect. The judgment is otherwise affirmed.

Ashmann-Gerst, J.

We concur:   Boren, P.J.  
                      Doi Todd, J.

## DIVISION THREE

B170486      People                                  (Certified for Partial Publication)  
v.  
Mark Johahn Washington, et al.

The convictions of kidnapping for the purpose of robbery in counts 1 and 17 are reversed as to both appellants. In all other respects, the judgments are affirmed. As to each appellant, the matter is remanded for resentencing.

Klein, P.J.

We concur:   Kitching, J.  
                      Aldrich, J.

DIVISION THREE (Continued)

B167056      Grant Scott Fuhr                      (Not for Publication)

v.

Jill Shepherd-Fuhr

The judgment is affirmed. Respondent(s) to recover costs.

Kitching, J.

We concur: Klein, P.J.

Aldrich, J.

B176416      Los Angeles County, D.C.S.              (Not for Publication)

v.

Rodney H.

The judgment is affirmed.

Aldrich, J.

We concur: Klein, P.J.

Kitching, J.

B175626      Los Angeles County, D.C.S.              (Not for Publication)

B176738      v.

D.G. and S.G.

The judgment is affirmed.

Kitching, J.

We concur: Klein, P.J.

Aldrich, J.

DIVISION THREE (Continued)

B176857      Los Angeles County, D.C.S.      (Not for Publication)

v.

Juan A. Sr.

The judgment is affirmed.

Croskey, J.

We concur:   Klein, P.J.  
                 Aldrich, J.

DIVISION FOUR

B175996      Steven S.      (Certified for Publication)

v.

Deborah D.

The judgment is reversed and the matter is remanded with directions to enter judgment in favor of Deborah. Deborah shall have costs on appeal.

Hastings, J.

We concur:   Epstein, P.J.  
                 Curry, J.

DIVISION FIVE

B175282      People      (Not for Publication)

v.

Arman Murat Cicek

The judgment is affirmed.

Kriegler, J. (Assigned)

I concur:      Turner, P.J.

I concur and dissent:      Mosk, J. (Opinion)

DIVISION FIVE (Continued)

B178087      Los Angeles County, D.C.S.      (Not for Publication)

v.

Valentine J.,

In re Ebonie T.

The judgment is affirmed.

Kriegler, J. (Assigned)

We concur: Turner, P.J.

Mosk, J.

B174885      Thomas Childress      (Not for Publication)

v.

California Department of Motor Vehicles

The judgment is affirmed. Respondent(s) to recover costs.

Kriegler, J. (Assigned)

We concur: Turner, P.J.

Mosk, J.

DIVISION SIX

B170611      People      (Not for Publication)

v.

Sommers

The judgment is affirmed.

Coffee, J.

We concur: Gilbert, P.J.

Yegan, J.

## March 03, 2005 (Continued)

## DIVISION SIX (Continued)

B171487 Garcia (Not for Publication)

$$\mathbf{V}_i$$

## Asphalt Equipment and Service Company

The summary judgments are affirmed. Costs to respondents.

Perren, J.

We concur:    Gilbert, P.J.

Yegan, J.

## DIVISION SEVEN

Court convened at 9:00 a.m.

Present: Perluss, P.J., Johnson, J., Woods, J., Zelon, J. and Eva McClintock, Deputy Clerk.

B178839      Yvonne S. v. SCLA

Argument waived, cause submitted.

B170124      Farnham

$$\mathbf{V}_i$$

Rehwald et al.

Merits:

Argued by Joan Cotkin for appellant and by David Wilson for respondents.

Cause submitted.

B172824 H.K. Supermarket

$$\mathbf{V}_i$$

## Magteec Investment

Merits:

Argued by John Chang for appellant and by Winfield Wilson for respondent. Cause submitted.

DIVISION SEVEN (Continued)

B172498     Tindell  
              v.  
              City of Los Angeles

Merits:  
Argued by Michael Morguess for appellant and by Gail Peterson, Deputy  
City Attorney for respondent. Cause submitted.

B170908     Patrichi  
              v.  
              Patrichi

Merits:  
Argued by Daniel Hyde for appellant and by George DeRoy for respondent.  
Cause submitted.

B163055     Zena B.  
B167985     v.  
B169730     Warren W.  
B173407

Merits:  
Argued by Warren W. appellant in propria persona and no appearance for  
respondent. Cause submitted.

B177986     California Dept. of Alcoholic Beverage Control  
              v.  
              Alcoholic Beverage Control Appeals Board  
              (Quintanar et al., r.p.i.)

Merits:  
Argued by Graeme Sharpe for petitioner and by Ralph Saltsman for real  
parties in interest. Cause submitted.



DIVISION SEVEN (Continued)

B179062      Costello et al.  
                 v.  
                 Superior Court, Los Angeles County  
                 (Cross et al., r.p.i.)

Merits:

Argued by James Martin and Mark Perry for petitioners and by Richard Kellner for real parties in interest. Cause submitted.

B177138      Southern California Edison Co.  
                 v.  
                 Public Utilities Commission  
                 (California Cogeneration Council et al., r.p.i.)

Merits:

Argued by James Woodruff for petitioner, by Helen Yee for respondent, by Jerry Bloom for real parties in interest and by Mary Gandesbery for amicus curiae for petitioner. Cause submitted.

Court recessed at 12:39 p.m.

Court reconvened at 1:30 p.m.

Present: Perluss, P.J., Johnson, J., Woods, J., Zelon, J. and Eva McClintock, Deputy Clerk.

B177605      Lowry  
                 v.  
                 Department of Motor Vehicles

Merits:

Argued by Laura Gold, Deputy Attorney General for appellant and by Mark Allen for respondent. Cause submitted.

DIVISION SEVEN (Continued)

B174598     Krongold  
              v.  
              City of Los Angeles

Merits:  
Argued by Herbert Krongold in propria persona and by Carmen Hawkins,  
Deputy City Attorney for respondent. Cause submitted.

B176246     Hicks  
              v.  
              Hicks

Merits:  
Argued by Nancy Kelso for appellant and by Elke Schardt for respondent.  
Cause submitted.

B167248     Harrold  
              v.  
              Hayes

Merits:  
Argued by Christopher Harrold appellant in propria persona and by  
Shannon Hayes respondent in propria persona. Cause submitted.

B174696     Marcus & Millichap et al.  
              v.  
              Woodmand Investment

Merits:  
Argued by Wendy Clendening for appellants and by Daniel Alberstone for  
respondent. Cause submitted.

Court adjourned at 3:06 p.m.

## DIVISION SEVEN (Continued)

B170618      Sanai  
v.  
The U.D. Registry

Filed order granting petition for rehearing.

## DIVISION EIGHT

B170637 People (Not for Publication)  
v.  
Russell

The judgment is reversed with respect to count 12. The sentence on count 5 is changed to life. The terms imposed for counts 6 and 11 are stayed. The clerk of the trial court is directed to issue an amended abstract of judgment reflecting sentences of life with possibility of parole for counts 7 and 8, a 3-year term for count 4, and all of the remaining alterations stated in this paragraph. Appellant is awarded an additional 81 days of presentence credit, for a total of 619 days. In all other respects, the judgment is affirmed.

Boland, J.

We concur: Cooper, P.J.  
Flier, J.

B170934 People (Not for Publication)  
v.  
Candelario

The judgment on counts 1, 3, and 4 is reversed and the cause is remanded for further proceedings. Count 4 may not be re-tried. In all other respects, the judgment is affirmed.

Boland, J.

We concur: Rubin, Acting P.J.  
Flier, J.

DIVISION EIGHT (Continued)

B169141 Muller et al. (Not for Publication)

v.

Daniel Freeman Hospitals, Inc., et al.

The judgment as to Dr. Jeffrey Bogosian and Daniel Freeman Hospital is affirmed. The judgment as to the University Medical Center, Dr. James Davis and Dr. Sangaram Shantharam is reversed and remanded for proceedings consistent with this opinion. Appellants are to recover their costs on appeal from the University Medical Center, Dr. James Davis and Dr. Sangaram Shantharam.

Flier, J.

We concur: Cooper, P.J.  
Rubin, J.

B171979 A. Edward Ezor, as Executor, etc. (Not for Publication)

v.

City National Bank, N.A., et al.

The judgment is reversed. Appellants are to recover their costs on appeal.

Flier, J.

We concur: Cooper, P.J.  
Boland, J.

B171854 People (Not for Publication)

v.

Yancey

The judgment is affirmed.

Flier, J.

We concur: Rubin, Acting P.J.  
Boland, J.

DIVISION EIGHT (Continued)

B175048 Los Angeles County, D.C.S. (Not for Publication)

v.

Shaeda W.,

In re Angelique W., a Person Coming Under the Juvenile Court Law.

The judgment is affirmed.

Flier, J.

We concur: Cooper, P.J.  
Boland, J.

B171528 Kalesha S. Jackson, a minor, etc. (Certified for Publication)

v.

Terrence Fitzgibbons

The judgment is affirmed. Each party is to bear their own costs on appeal.

Flier, J.

We concur: Cooper, P.J.  
Rubin, J.

B159900 McMorris (Not for Publication)

v.

City of Pasadena et al.

The judgment is affirmed. Respondents are to recover their costs on appeal.

Flier, J.

We concur: Rubin, Acting P.J.  
Boland, J.